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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,302	05/10/2002	Bernd Lohmuller	30151/38183	2018
7590	11/09/2004			
Marshall Gerstein & Borun 6300 Sears Tower 233 South Wacker Drive Chicago, IL 60606-6357			EXAMINER TRAN, LEN	
			ART UNIT 1725	PAPER NUMBER

DATE MAILED: 11/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/069,302

Applicant(s)

LOHMULLER ET AL.

Examiner

Len Tran

Art Unit

1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-22,25-28,30-42 and 44-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-22,25-28,30-42 and 44-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 21, 2004 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 20-22, 24-27, 40-42, and 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 1,211,849, and further in view of Bonikowski et al (US 4,221,947).

GB '849 disclose an apparatus and method of manufacturing a billet (strip) comprising the steps of transporting the billet along a transport track, such that the billet comes to contact with contact elements, which are connected to a voltage source, allowing an electrical current to flow through a segment of a billet, wherein the contact elements and the billet is made of aluminum (page 2, lines 80-82), and wherein the flow of the electrical current causes the billet to be annealed at low stress. The apparatus further comprise of guiding means to guide the contact elements (rotor) to transport the billet.

GB '849 lacks the mentioning of a cold processing mean comprising a drawing die.

However, a drawing die, terminal die, within a cold processing mean is conventional in the wire annealing art, since it is the last device of the annealing apparatus.

Bonikowski et al mentions the conventional drawing die (col. 4, lines 60-64) as the last step for annealing the wire.

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have a terminal die as taught by Bonikowski et al, in GB '849, in order to complete the annealing process.

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5. Claims 28, 30-39, 44, 47-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB '849 in view of Bonikowski et al (US '947) as applied to claim 20 above, and further in view of MacCraven (US 4,437,904).

GB '849 disclose the claimed invention above, but fails to teach guiding means being deflection rollers and comb rollers, cooling medium is oil or gas, and two contact elements are provided with separate drive means.

However, MacCraven discloses an aluminum strip to be annealed driven by deflection rollers (27, 28, 40), to a cold processing mean (31), wherein the cooling medium is either gas or oil (col. 4, lines 52-59), and that the contact elements are provided with separate drive means. MacCraven disclose the above differences for the purpose of ensuring a desired mechanical and electrical properties are achieved in the finished wire product.

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to provide the above differences taught by MacCraven, in GB '849 in order to ensure proper mechanical and electrical properties.

Response to Arguments

5. Applicant's arguments with respect to claims 20-22, 24-28, 30-42, 44-51 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's argument regarding to a terminal die has been acknowledged. A new ground of rejection has been made in paragraph 4.

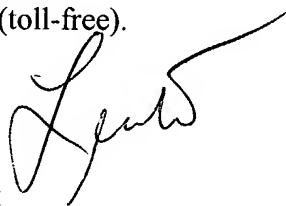
Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Len Tran whose telephone number is (571) 272-1184. The examiner can normally be reached on M-F, 8:30 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Len Tran
Examiner
Art Unit 1725



LT
November 5, 2004